

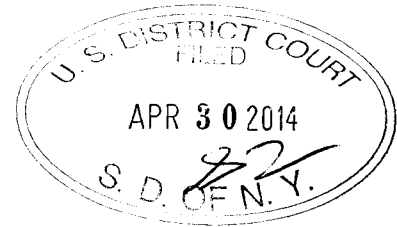
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ORIGINAL

Approved: _____

Serrin Turner
Assistant United States Attorney

Before: HONORABLE MICHAEL H. DOLINGER
United States Magistrate Judge
Southern District of New York



UNITED STATES OF AMERICA

- v. -

RENE CARDONA,
a/k/a "Rey Cardona Cruz,"
a/k/a "REYCCRUZ,"

Defendant.

COMPLAINT

Violation of
18 U.S.C. §§ 2251 & 2252A

COUNTY OF OFFENSE:
NEW YORK

DOC # 1

SOUTHERN DISTRICT OF NEW YORK, ss.:

Aaron E. Spivack, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

(Inducement of Minor to Engage in Sexually Explicit Conduct)

In or about February 2014, in the Southern District of New York, RENE CARDONA, a/k/a "Rey Cardona Cruz," a/k/a "REYCCRUZ," the defendant, willfully and knowingly did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, which visual depiction was actually transported and transmitted using a facility of interstate and foreign commerce, to wit, CARDONA induced an 11-year-old child in Guam to send sexually explicit images of himself to CARDONA over the Internet.

(Title 18, United States Code, Section 2251(a).)

COUNT TWO
(Receipt of Child Pornography)

In or about February 2014, in the Southern District of New York, RENE CARDONA, a/k/a "Rey Cardona Cruz," a/k/a "REYCCRUZ," the defendant, knowingly did receive and distribute materials that contained child pornography that had been transported in and affecting interstate and foreign commerce by computer, to wit, CARDONA, received chat communications over the Internet sent from an 11-year-old child in Guam containing sexually explicit pictures of the child.

(Title 18, United States Code,
Sections 2252A(a)(1) and (a)(2)(B).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I have been personally involved in the investigation of this matter. This affidavit is based upon my investigation, my conversations with other law enforcement agents, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on information obtained from an FBI agent located in Guam, I have learned the following:

a. On or about March 13, 2014, the Guam Police Department received information that an 11-year-old boy (the "Victim") produced child pornography for an adult male in New York. The Victim met the adult male over the social media site Instagram in or about February 2014. The adult male went by the username "REYCCRUZ" on Instagram.

b. The Guam Police Department referred the case to the FBI. With the Victim's consent, FBI agents in Guam searched the Victim's phone, with which the Victim had communicated with "REYCCRUZ" on Instagram. The search confirmed the information reported by the Guam Police Department.

c. FBI agents in Guam subsequently obtained a search warrant directed to Instagram for the contents of the "REYCCRUZ" account.

2. I have reviewed the contents of the Instagram account produced in response to the warrant. The contents reflect that, in or about February 2014, "REYCCRUZ" and the Victim developed an online relationship and had sexually explicit discussions. Over the course of a few days, "REYCCRUZ" and the Victim traded photographs, with "REYCCRUZ" repeatedly asking the Victim to provide sexually explicit photographs of himself, which the Victim did. The Victim provided "REYCCRUZ" with approximately five sexually explicit photographs of himself, including photographs reflecting the Victim engaged in lascivious exhibition of his genitals. "REYCCRUZ" provided the Victim with approximately nine sexually explicit photographs of himself in turn.

3. The following is an excerpt of the communications between the Victim and "REYCCRUZ," in which the age of the Victim was discussed¹:

"REYCCRUZ"	How old r u anyway?
The Victim	Ok thx @"REYCCRUZ"
The Victim	11
The Victim	You
"REYCCRUZ"	21
The Victim	Oh ok
The Victim	Hey where u live
"REYCCRUZ"	You're really kool
"REYCCRUZ"	I live in New York cuty
"REYCCRUZ"	How about you?
The Victim	Thx I live on Guam
"REYCCRUZ"	Just thinking about u
"REYCCRUZ"	Lol

¹ All chat communications quoted herein appear as in the original, including typographical and grammatical errors.

"REYCCRUZ" Hoping I could see your body

4. The following are excerpts of some of the sexually explicit communications between the Victim and "REYCCRUZ":

"REYCCRUZ" U ever made love?

The Victim Yes

The Victim Like that

"REYCCRUZ" You have? How?

"REYCCRUZ" With who?

The Victim A girl I am bisexual

The Victim Bisexual I mean

"REYCCRUZ" Did u like it?

"REYCCRUZ" It felt good?

The Victim Ya but never with a guy

"REYCCRUZ" I wanna do it with u

"REYCCRUZ" We would take it slow

"REYCCRUZ" But mine is big

"REYCCRUZ" Do u like big ones or no?

The Victim Wow talking about that ok lol :O :O

"REYCCRUZ" Lol

"REYCCRUZ" I'm just being honest

"REYCCRUZ" I wanna show u

"REYCCRUZ" And I wanna see yours

"REYCCRUZ" I know I cant

"REYCCRUZ" =(

The Victim Lol ok so how much love will u make with me

"REYCCRUZ" We would make love all the time

"REYCCRUZ" And it wud be our little secret

"REYCCRUZ" Unless you wanted to tell people

"REYCCRUZ" I would make love to u on the beach
"REYCCRUZ" Baby lemme see yours
"REYCCRUZ" Lol
The Victim Oh ok keeping secret from who
"REYCCRUZ" From everyone
"REYCCRUZ" Anyone you didn't want to know
"REYCCRUZ" I would keep it a secret from them
The Victim Oh ok like what where doing now
"REYCCRUZ" Yea
"REYCCRUZ" U wanna keep it a secret?

5. The following is an excerpt of communications between the Victim and "REYCCRUZ" in which "REYCCRUZ" asked the VITCIM to show "REYCCRUZ" his genitals:

"REYCCRUZ" We can make cyber love
"REYCCRUZ" But that means we would have to send eachother pictures
"REYCCRUZ" And touch ourselves
"REYCCRUZ" Has your boyfriend seen yours?
The Victim What
"REYCCRUZ" Has he seen a picture of your beautiful part?
The Victim No why
"REYCCRUZ" Cuz that's what I wanna see
"REYCCRUZ" Send it to me whenever you're ready and I'll send mine back

6. The following is an additional excerpt in which "REYCCRUZ" engaged the Victim in sexually explicit conversations. "REYCCRUZ" asked to see nude photographs of the Victim and offered to show the Victim his genitals:

"REYCCRUZ" I want someone to rub it and suck it

The Victim Lol just talk to me how y feel
"REYCCRUZ" My private hurts cuz it's so hard
"REYCCRUZ" And I just wanna mess around with a noy
"REYCCRUZ" And I wanna play with his too
"REYCCRUZ" Yours gets hard a lot?
The Victim Some times
"REYCCRUZ" Can you tell me what yours looks like?
"REYCCRUZ" /since y don't wanna send a pic@of it
The Victim It brown and kind of big
"REYCCRUZ" Is it hairy?
The Victim Ya
The Victim Your tribe
The Victim Your tribe
"REYCCRUZ" Mine is big and fat
"REYCCRUZ" And hairy
"REYCCRUZ" Lol
The Victim Lol ok
"REYCCRUZ" U don't wanna see the picture
"REYCCRUZ" I have a real man dick
"REYCCRUZ" I wanna know how big yours is
"REYCCRUZ" What if it's bigger than mine?!
The Victim Ok whatever send one
The Victim Whatever
"REYCCRUZ" U won't show anyone ?
"REYCCRUZ" And then u send me one too
"REYCCRUZ" No one will find out
"REYCCRUZ" So delete the picture after u send it

"REYCCRUZ" Do u at least wanna see mine? And then I will erase it?

The Victim What u mean

"REYCCRUZ" Send me a picture

"REYCCRUZ" And then I will erase it

"REYCCRUZ" As soon as I see it

7. The following is another excerpt of a conversation between "REYCCRUZ" and the Victim in which "REYCCRUZ" asked the Victim for additional photographs:

"REYCCRUZ" Send me a vid

The Victim I can't

The Victim My familey here

"REYCCRUZ" Another pic thwn

The Victim Ok wait

"REYCCRUZ" Ik

"REYCCRUZ" Ok

The Victim Going to delet this befor engine see

"REYCCRUZ" Ok

"REYCCRUZ" I wanna leave all the juice inside of u baby

The Victim Lol ok going to delete it k

"REYCCRUZ" Ok

The Victim Wow

"REYCCRUZ" I wanna shower with u

The Victim Me two

"REYCCRUZ" Lemme see your ass baby noy

The Victim Got to go delet it

"REYCCRUZ" Love u mi amor

"REYCCRUZ" My love

8. The following is an excerpt of a conversation in which the Victim and "REYCCRUZ" again discussed their respective ages:

"REYCCRUZ" Yea if we got caught talking I Wud go@to
 jail

"REYCCRUZ" Shit

"REYCCRUZ" =(

"REYCCRUZ" But 11

"REYCCRUZ" Is so cute

The Victim What so cute

"REYCCRUZ" You being 11 years old

"REYCCRUZ" It's cute

The Victim Thx and u being 21

"REYCCRUZ" Lol

"REYCCRUZ" Lol

The Victim I live u too talk to u later on the pic u
 sent me going to delet this one k

"REYCCRUZ" Ok babe

9. The Instagram records reflect that a certain IP address was used by "REYCCRUZ" to log in to Instagram during the time period when he communicated with the Victim (the "Subject IP Address").

10. Based on records subpoenaed from the Internet service provider associated with the Subject IP Address, I learned that during the time period of the chats, the Subject IP Address was assigned to a female subscriber with the last name "Cardona," with a certain address on Sherman Avenue in New York, New York (the "Sherman Avenue Address").

11. According to information obtained from a law enforcement database, RENE CARDONA, a/k/a "Rey Cardona Cruz," a/k/a "REYCCRUZ," the defendant, is a 22-year-old male who resides at the Sherman Avenue Address, along with other individuals with the last names "Cardona" and "Cruz." Based on Google searches, I have learned that "Rey" is a common nickname for "Rene." Accordingly, I believe the username "REYCCRUZ" is a shortened version of the name "Rey C[ardona] Cruz" - who appears

to be the son of a resident of the Sherman Avenue Address with the maiden name "Cardona" and the last name "Cruz."

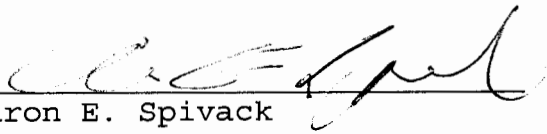
12. Further, through the investigative database referenced in the previous paragraph, I also obtained pictures of RENE CARDONA, a/k/a "Rey Cardona Cruz," a/k/a "REYCCRUZ," the defendant. These pictures clearly depict the same individual reflected in pictures that "REYCCRUZ" sent of himself to the Victim through Instagram, which include shots of the user's face.

13. Based on records I obtained from the New York Department of Health on April 29, 2014, I learned that RENE CARDONA, a/k/a "Rey Cardona Cruz," a/k/a "REYCCRUZ," the defendant, has recently been employed in an afterschool program located in the Bronx, New York, serving children ages 6 to 12.

14. Shortly after learning this information, on April 29, 2014, the Government obtained a search warrant for the Sherman Avenue Address. The warrant was executed this morning, April 30, 2014.


15. During the execution of the search warrant, I located RENE CARDONA, a/k/a "Rey Cardona Cruz," a/k/a "REYCCRUZ," the defendant, at the premises. After signing a written waiver of his Miranda rights, CARDONA admitted that he controlled the "REYCCRUZ" username on Instagram and that he had engaged in the chats with the Victim described above. CARDONA further admitted having similar online chats with at least two other children whom he knew to be underage. Moreover, CARDONA admitted to working in an afterschool program for at least two years and to having had inappropriate sexual contact with several children, including children whom he had encountered through his involvement in the afterschool program.

WHEREFORE, I respectfully request that RENE CARDONA, the defendant, be arrested and imprisoned or bailed, as the case may be.



Aaron E. Spivack
Special Agent
Federal Bureau of Investigation

Sworn to before me this
30th day of April 2014



HON. MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK